

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

FEB 06 2017 *EW*

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

LUIS MARTINEZ

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

Case No: _____
(To be supplied by the Clerk of this Court)

NANCY WILDER, ASSISTANT
STATES ATTORNEY, AT STATES
ATTORNEY SECTION AT 2650 S.
CALIFORNIA, GERALDINE D'SOUZA
ASSISTANT STATES ATTORNEY
AT 2650 S. CALIFORNIA.

1:17-cv-01003
Judge Manish S. Shah
Magistrate Judge Michael T. Mason
PC4

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

- ☒ COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)
- ☐ COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)
- ☐ OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

I. Plaintiff(s):

- A. Name: LUIS MARTINEZ
- B. List all aliases: NONE NO ALIASES
- C. Prisoner identification number: 2016 08 13111
- D. Place of present confinement: COOK county Jail
- E. Address: 2650 S. California

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Nancy Wilder,
Title: Assistant states attorney at cook county Jail
Place of Employment: 2650 S. California in Chicago
- B. Defendant: Geraldine D' Souza
Title: Assistant State's attorney at cook county Jail
Place of Employment: 2650 S. California
- C. Defendant: _____
Title: _____
Place of Employment: _____

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: See paper ATTACH
- B. Approximate date of filing lawsuit: _____
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____

- D. List all defendants: _____

- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): _____
- F. Name of judge to whom case was assigned: _____

- G. Basic claim made: _____

- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): _____

- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

List all lawsuits

Martinez is being completely honest with The Federal court I honestly do not remember All of The lawsuits I filed in The Federal court I honestly sworn That I don't remember The names of all The cases and the Docket numbers and all the defendants I have sued in The Federal Court I only remember These.

Martinez vs. Schowber et al, Don't remember Docket number To Schowber case

Martinez vs. Richard paul Don't remember Docket number or The Judge Assigned To paul case

Martinez vs. calvin hill Don't remember Docket number or Judge Assigned

Martinez vs. Coois combined dna index system Don't Remember Docket No. or Judge Assigned

Martinez vs. Spiller Don't remember Docket No. or Don't remember The Judge Assigned

If any other lawsuits exist I honestly Don't remember The defendants, name of case, Docket numbers and Judge Assigned To other lawsuits

Sincerely Luis Martinez
Sworn TO be true I don't remember
Don't have copy of other lawsuits filed

Pg 1

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

My Reason For NOT KNOWING how TO Find The evidence That Shows IN EXHIBIT A. The State court had IN 02-14-2006 Found ME INNOCENT OF CRIMINAL SEXUAL ASSAULT See DISMISSAL order IN EXHIBIT A, The COURT Found ME INNOCENT IN A DNA CASE OF A Sexual ASSAULT indictment NANCY wilder States ATTORNEY Filed That was indictment number 06-1104098 Shown IN EXHIBIT B The COURT Found ME INNOCENT IN That indictment Because DNA had EXONERATED ME IN That Sexual ASSAULT, and it is now I Received Found That DNA evidence That EXONERATED ME IN indictment NO. 06-1104098 AFTER All These years Because NANCY wilder withheld The DNA evidence That EXONERATED ME IN indictment NO. 06-1104098 Filed by NANCY wilder That Got My case Dismissed To prevent ME from Filing this lawsuit This Should Cover Due diligence DNA CASE Lab CASE number C05-23506 RD number HL310333 WAS Dismissed

pg 2

with All charges on Exhibit B Filed by Nancy wilder Because The victim OF This CASE Claimed She was Raped ON April 19, 2005 and Chicago police Detective ON May 12, 2005 For The first time Found the victim panties in A unidentified UNKNOWN place and There were ASK TO BE Check For Semen For The first time SEE Exhibit C NANCY wilder Knew That in This indictment NANCY Filed MS. wilder KNEW A DNA Expert Analyst ON 5-25-05 MADE A Misleading False written Lab Report That Stated UNtruely DNA Semen was Identified ON Exhibit Q2 Sub Exhibited as 1B ON Lab report of 5-25-05 in Exhibit C That Shows That NANCY wilder Redacted The identity of The Expert Analyst who MADE Lab report of 5-25-05 TO protect The expert Analyst identity who made The Misleading False Lab report of 5-25-05 That presented False Misleading DNA results That lead To my prosecution, Then later in ANother indictment Re-used To convict ME and For my Trial Lawyer won't be Able TO cross-EXamine The Analyst Expert who MADE Lab report of 5-25-05 AT Trial in violation of confrontation clause

See BACK Further Explains claim,

Nancy Wilder To Deprive Me Of A Fair Trial In indictment number 06-1104098 Dismissed before trial, and during Trial, withheld in violation of (Brady) An Exculpatory Lab Report Dated ^{Exhibit E} 8.29.05 That Shows IB cutting From The victim panties The Stain The Expert in Lab report of 5.25.05 Exhibit C had Stated Stain in Exhibit Q2 Subexhibited as IB Stain the size of 3cm x 2cm Semen identified falsely in Lab report of 5.25.05 was Tested for Semen on 8.29.05 and DNA Results Showed No Semen at All was Found on Exhibit IB cutting From the panties Recovered May 12, 2005 To be Ran in CODIS, or To be compared A DNA profile in CODIS To see if A DNA Match could be Found in CODIS, As falsely said in Exhibit D. That I was identified Through CODIS DNA Match After The court Found Debra Depczynski, and Chicago police MADE fabricate False DNA Lab reports Dated 10.25.05 That said falsely That IB cutting From the victim panties contain Semen That matched my DNA in CODIS See exhibit D The court Found NANCY Wilder in indictment No. 06-1104098 Dismissed That Ms. Wilder Knew That The Lab had made A fabricated Lab report Dated 5.25.05 so I could be Arrested That was used by NANCY Wilder for prosecution in indictment No. 06-1104098 The court in indictment No. 06-1104098

Found me innocent when The court discovered in indictment No. 061104098
 That Nancy wilder withheld under Brady Exculpatory DNA results of
 my innocence that showed on 8-29-05 Exhibit 1B cutting from the
 panties was tested for Semen and No Semen stains were found
 at all on The panties in Exhibit 1B cutting from the panties in
 Exhibit E. Lab report That proved No DNA was on the panties to
 match my DNA in COOIS as Nancy wilder claimed See exhibit
 E. Exhibit F. So on 02-14-06 shown in Exhibit A After the
 state court found me innocent exonerated by DNA Nancy wilder
 was ordered to Release me on 2-14-2006 Nancy wilder did NOT
 Release me instead Nancy wilder withheld all the evidence IM
 presenting Now Showing DNA Exonerated me, Showing DNA some
 of the Real offender was never examined or introduced, See exhibit
 H. DNA Blood from the real offender left on the panties in Exhibit
 I, was never introduced and withheld by Nancy wilder Exhibit A,
 Court Dismissal order All of this evidence of my innocence
 had came to my notice Now New evidence undiscovered
 before, and During trial Because MS. wilder withheld this evidence
 To prevent me from filing A lawsuit did NOT release me from
 custody on 2-14-06 when I Actually was Exonerated by DNA
 and case No. 061104098 was Dismissed and The state court told
 Nancy wilder TO Release me After Found innocent Nancy wilder
 Held me in Cook county Jail, and did not Release me wilder
 SEE BACK →

ON 2-23-06 WENT IN FRONT OF ANOTHER COOK COUNTY JUDGE WHO DID NOT KNOW I WAS TO BE RELEASED ON 2-14-06 BECAUSE MY CASE WAS DISMISSED AFTER COURT FOUND DNA EXONERATED ME NANCY WILDER RE-INDICTED ME USING A DIFFERENT CASE INDICTMENT NO. 06 CR 3231 USING THE SAME VICTIM MOLLY GRIERSON IN CASE DISMISSED NO. 0611040980 AND USING THE SAME CHARGES IN NEW INDICTMENT NO. 06 CR 3231 THAT WERE DISMISSED IN CASE NO. 0611040980 SEE EXHIBIT I EXHIBIT J, AND ACTUALLY VIOLATED THE CONSTITUTION DUE PROCESS CLAUSE OF DOUBLE JEOPARDY PROTECTIONS BECAUSE THE COURT RULED AND DETERMINED IN FIRST INDICTMENT BY NANCY WILDER 0611040980 THAT I WAS INNOCENT EXONERATED BY DNA BECAUSE NO SEMEN WAS FOUND ON THE VICTIM PANTIES TO MATCH MY DNA AS NANCY WILDER SAID THIS IS WHY CASE NO. 0611040980 WAS DISMISS NANCY WILDER KNEW THAT SHE CANNOT PRESENT THE SAME MISLEADING DNA EVIDENCE FALSE TESTIMONY IN SECOND PROSECUTION IN EXHIBIT M NANCY WILDER IN SECOND INDICTMENT TOLD THE GRAND JURY A LIE AGAIN THAT MY DNA SEMEN WAS RECOVERED FROM THE VICTIM PANTIES WHEN IT WAS PROVEN ALREADY IN FIRST INDICTMENT BY NANCY WILDER THAT DNA OF SEMEN WAS NOT RECOVERED FROM THE VICTIM PANTIES, SEE EXHIBIT N, EXHIBIT O, THAT WAS SUPPRESSED BY NANCY WILDER IN THE SECOND INDICTMENT NO. 06 CR 3231 FROM THE GRAND JURY THAT AGAIN WOULD HAVE PROVEN ME INNOCENT IF PRESENTED

NANCY wilder Malicious intentions, caused A Malicious prosecution, and violated My constitutional Rights To Due process when Nancy wilder Knew she could NOT present A Second indictment, presenting The same charges, The same misleading DNA, That was proven to Be false misleading, in The first indictment by Nancy wilder State court dismissed Nancy wilder did this to maliciously continue A Malicious prosecution and violated my civil rights After Nancy, wilder did this she violated my Rights by withholding Exculpatory DNA evidence from the Grand Jury in The Second indictment See EXculpatory DNA in EXhibit N, EXhibit O, and violated Brady vs Maryland Due process; Because of these charges I lost my loves one's These charges of Sex crimes damage me Emotionally, physically, Mentally, I've been in mental institutions for Suicide ATTEMPTS Because of these charges I've been brutally Beaten in Jail by inmates because of These Sex charges, filed by Nancy wilder I almost Got Killed in Jail Awaiting trial Almost Stabbed by Gang members in Jail Because of Nancy wilder malicious intentions Filing These charges Knowing IM actually Innocent I would like TO Be compensated for This

IV.

Statement of Claim: For Geraldine D'Souza, Assistant
 STATES ATTORNEY, Violation of Civil Rights,

After Nancy Wilder Mislead The Grand Jury in The Second indictment Filed
 ON 2.23.06 Exhibit i, and Nancy Wilder presenting False DNA results
 IN Exhibit M Nancy Wilder had Given The Second indictment 06cr3231
 To another State's attorney Geraldine D'Souza took over The 2nd indictment
 Case number 06cr3231 Nancy Wilder had Filed in violation of The
 Double Jeopardy Clause Geraldine D'Souza took Advantage of The
 Fact That while I WAS Awaiting trial at Cook county Jail the
 General population Section I WAS beaten Daily by Gang Members
 violent offenders who tried to Stabb me hit me with A mop
 wringer ON the face All because of these Sex charges because
 The inmates Thought I WAS A rapist having Knowledge of
 The Sex charges Against me by MS. D'Souza My life was
 ON The line I did NOT KNOW what to do anymore I
 Just wanted To Go to trial in the 2nd indictment by
 Geraldine D'Souza To prove IM innocent Again Already Exonerated
 by DNA I told my trial lawyer in The new indictment
 06cr3231 I need to Go to trial TO END my case
 Because IM tired of being beaten IN Jail for these
 Sex charges by inmates my trial lawyer Said Just plea
 Guilty, I had NO choice Because my life was on the

line I had to plea Guilty Because I was being Beaten every day in General population for these Sex charges, because I needed medical attention I could not get At Cook county Jail Awaiting Trial for The Severe beatings I was Getting for these charges my Trial lawyer was ineffective for Failure to present Exculpatory DNA results in The 2nd indictment in Exhibit 2 That had Already Found me innocent of the Same charges used by Geraldine D'Souza in The 2nd indictment Geraldine D'Souza presented perjury in Exhibit 1. Knowing that The victim panties never had Semen To match a DNA profile of my DNA if one is in CODIS at my trial Geraldine D'Souza presented A perjured Statement in Exhibit 1. Based on A proven False Document filed by A lab Expert Debra Depczynski who fabricated the Exhibit 2. Geraldine D'Souza used Exhibit 2 Knowing that it was A False Document made by A DNA Expert and violated my due process right of civil law, Because Geraldine D'Souza did This by malice Geraldine D'Souza Knew That Exhibit 3 Lab report proved Absolutely my innocence because 1B cutting from The panties used to convict me in The 2nd indictment (06 cr 323) The panties were tested for Semen and NO SEMEN WAS Found to be Ran in CODIS Exhibit 3

Geraldine D'Souza Already Knew That Exhibit 3 had Already Found Me innocent Exonerated by DNA in The First indictment No. 061104098 Dismissed in Exhibit A but Geraldine D'Souza in The Second indictment did NOT Turn over at my trial, or before my trial Biological lab reports suppressed withheld by Geraldine D'Souza in The Second indictment No. 06cr 3231 in violation of Double Jeopardy Geraldine D'Souza in the 2nd indictment had an obligation TO inform The court, at trial, and inform the defense of Such Exculpatory Lab report in Exhibit 3 That had already proven Martinez innocent by DNA in the First indictment Geraldine D'Souza For Failure to inform the defense at Trial or before trial Exhibit 3 Exculpatory DNA results carries Brady's constitutional implications including Exhibit 4 Suppressed by Geraldine D'Souza That was NOT Available at trial or before trial and deprived me of a Fair Trial Geraldine D'Souza did NOT turn over to the court or defense at trial Exhibit 3, Exhibit 4, because is evidence of Exculpatory value That raised a reasonable doubt About my Guilt Geraldine D'Souza Should be held liable For intentionally withholding Exculpatory DNA results to

continue A Malicious prosecution in violation of The constitution 14th Amendment in violation of Due process Double Jeopardy clause Because even when I was Forced by Duress to plea guilty For charges I was already Found innocent by DNA, if Geraldine D'Souza in The 2nd indictment filed in violation of Double Jeopardy would had Told the court The truth That Exculpatory dna results Exist in exhibit 3, exhibit 4, The court would NOT had Send Me to prison for 10 years For criminal Sexual Assault in the Second indictment 06cr3231 charges That were already Dismissed in indictment No. 061104098 shown in exhibit A if Geraldine D'Souza would NOT present A lie perjury at my trial shown in exhibit 5 exhibit 1. To the court I would had never been Send to prison for 10 years The Suppression by Geraldine D'Souza prior to trial and during Trial of exhibit 7 exhibit 8 violated Brady Due process because if disclosed NO court would had Found me Guilty even Though I was Forced To plea Guilty only Because my life WAS in danger For these charges In Jail

at trial Geraldine D'Souza knew that victim told the court only one man left semen on her panties see exhibit 9. The offender in co3 is convicted of lab case no. co3-33953 exhibit 10. but Geraldine D'Souza withheld the identity of the real offender at trial who left DNA semen alleles in exhibit 11. Geraldine D'Souza at my trial did not reveal that my DNA in exhibit 13 I had given my probation officer was sent to the lab label under the real offender case number co3-33953 exhibit 14 and was purposely transfer by the lab on sub 1B-F1 semen on the panties left by the real offender see exhibit 15 exhibit 6, exhibit 19, shows my alleles in my DNA were put on a different pair of panties by the lab who purposely put my DNA saliva on the pair of panties in exhibit 20 used as sub 1B-F2 my saliva misinterpreted for semen when in fact Geraldine D'Souza knew this but withheld it from the discovery to misinterpret my saliva as semen at trial that lead to my conviction then police then wrote a fabricated inventory report that the victim pair of panties worn during the attack were collected April 22, 05 see exhibit 20

when in fact the victim panties were collected May 12, 2005
See exhibit 23 My saliva was put on panties Sub 1B-F2
panties of April 22, 05 planted w/ my saliva misinterpreted
as semen in panties Sub 1B-F2 by Geraldine D'Souza who
knew this See exhibit 21 exhibit 22 Also shows the
panties Geraldine D'Souza used to convict me have no
chain of custody 1B-F2 are not shown to be in the
chain of custody See exhibit 22 Geraldine D'Souza has
violated my due process right 725 ILCS 5/116-3 post-conviction
DNA testing that allows DNA testing not previously done prior or
before the plea of guilty I asked Geraldine D'Souza that I
would like to examine 1A stain of semen inside of the crotch
of underwear of the victim in exhibit 29 left by the real
offender that was never examined before the plea, or during
the plea hearing, Geraldine D'Souza denied me DNA examination
of the semen stain inside the crotch of the panties in violation
of due process because it would identify the real offender
and prove my innocence again, moreover in the discovery in
Geraldine D'Souza filed she did not even mention or did

not even disclose prior to the plea, or at the plea hearing exhibit 29
 The semen stain inside the crotch of the panties of the real offender
 and violated Brady doctrine due process prosecutor had a duty to
 disclose to the defense on the day of the plea or before the
 plea the semen left by the real offender inside the crotch of
 the panties that was not examined, or either compared to my
 current DNA sample before the plea or at the plea hearing because
 this DNA post-conviction testing was not done before the plea
 or after the plea, or on the plea day, Geraldine D'Souza
 denial of Martinez to be allowed post-conviction request to
 examine the semen stain inside the crotch of the panties in
 exhibit 29 and Geraldine D'Souza denial of Martinez to give a
 current sample DNA sample to be compared against the
 semen stain found inside of the crotch left by the real offender
 Geraldine D'Souza violated due process in denying me post-conviction
 DNA testing that was not done prior to the plea, or before
 the plea, or on the plea hearing day, and violated post-
 conviction DNA statute of Illinois 725 ILCS/116-3 that
 entitled Martinez to DNA testing that would have proven him
 innocent again and violated due process when Martinez was

Denied DNA testing, OF DNA evidence withheld prior to the plea and on the day OF The plea in violation of Brady That was NOT EXAMINED prior TO the plea, or on the day OF the plea That would have proven Martinez innocent Again and identify The Real Offender Martinez ask That The Federal court TO Meet the ENds OF Justice ONce and For all order DNA EXAMINATION OF The Semen Stain left inside the crotch OF The panties in exhibit 1A, left by The Real Offender That WAS NOT EXAMINED prior TO the plea, or on the day OF the plea Martinez also ask The Federal court TO issue an order TO Collect A Current Fresh DNA Sample From Martinez Saliva, Blood, From Martinez TO be compared TO The Semen Stain Left inside OF The crotch OF The panties EXhibit 1A in exhibit 29, Because This comparison was NOT Done before The plea, or on The day OF The plea, and if Done would prove Martinez innocent OF The 2nd indictment NANCY wilder Filed and handed over TO Geraldine D'souza who convicted me and Martinez ask The Federal court TO order ABO Blood typing DNA testing OF The Blood in EXhibit 30 TO be compared TO Martinez DNA, That was NOT Done prior TO the plea, or on the day OF The plea, REQUESTED and Denied in post-conviction DNA-testing.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Award Martinez with 30 million dollars For BOTH plain
defendants planing To violate Martinez civil rights. That
were violated by both defendants. Martinez also ask
The Federal court To order DNA-Testing Martinez ask
for in Exhibit 29, Exhibit 30. BOTH defendants planned
To violate Martinez civil rights explained in this lawsuit. please
Appoint a lawyer To better the case

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 24th day of Jan, 20 17

Luis Martinez

Luis Martinez
(Signature of plaintiff or plaintiffs)

Luis Martinez
(Print name)

2016-08-13111
(I.D. Number)

2650 S. California Avenue
Cook County Jail Division 8 Rty 3-E
(Address)

Custodial Status
RECEIVEDStatus Date
05/30/2008Agency Name
DOC CORRECTIONAL CENTER STATEVILLE

Exhibit A.

Arrest

DCN: G16431078
Name: MARTINEZ, LUIS ADate of Arrest: 01/26/2006
Date of Birth: 07/26/1978

Rap Sheet Exhibit

Alias Name(s)
COLLAZO, ANTHONY

Alias Date of Birth

Residence:

Arresting Agency:

CHICAGO POLICE DEPARTMENT

NCIC: ILCPD0000

Agency Case Number:

16431078

Officer Badge Number:

Photo Available: No

Arrest Charges

Count Statute Citation
1 720 ILCS 5.0/12-13Literal Description
CRIM SEX ASLT/VICTIMInchoate Code Class
0 I

Arrest Type:

Date of Offense:

States Attorney Section

Filing Decision: DIRECT FILED WITH COURT

Decision Date: 01/26/2006

Count Statute Citation
1 720 ILCS 5.0/12-13Literal Description
CRIM SEX ASLT/VICTIMInchoate Code Class
0 I

Agency Name: COOK COUNTY STATE'S ATTORNEY

NCIC: IL016013A

Court Charges/Disposition

Count Statute Citation
1 720 ILCS 5.0/12-13Literal Description
CRIM SEX ASLT/VICTIMInchoate Code Class
0 I

Disposition: DISMISS/SUPERCEDED

Disposition Date: 02/14/2006

Case Number: 200611040980

Agency Name: COOK COUNTY CIRCUIT COURT

NCIC: IL016025J

Count Statute Citation
1 720 ILCS 5.0/12-14-A-2Literal Description
AGG CRIM SEX ASSLT/BODILY HARMInchoate Code Class
0 X

Disposition: NOLLE PROSEQUI

Disposition Date: 05/29/2008

Case Number: 2006CR032310

Agency Name: COOK COUNTY CIRCUIT COURT

NCIC: IL016025J

Count Statute Citation
1 720 ILCS 5.0/12-14-A-2Literal Description
AGG CRIM SEX ASSLT/BODILY HARMInchoate Code Class
0 X

Disposition: GUILTY

Disposition Date: 05/29/2008

Case Number: 2006CR032310

Agency Name: COOK COUNTY CIRCUIT COURT

NCIC: IL016025J

Status

Sentence

Fine Amount

Date

SENTENCED TO

855 DAY(S) CREDIT TIME SERVED

05/29/2008

Count Statute Citation

Literal Description

Inchoate Code Class

COURT DISMISSAL order, After Finding Martinez innocent

RD# HL310333 INV# 10520806

4°C

ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Sciences Command

LABORATORY WORKSHEET

Indictment No. 0611040980 was Dismissed finding Martinez innocent Because court found lab made This False Report saying Semen was found on the panties when it was proven no Semen was found.

Date Examined: 5/25/05

L A B Case No.: C05-23506

Exhibit/Item: Ex-1 Yellow underwear

Source/Date Received: Richard Esposito (BFIBBNA) / 5/25/05

Description of Package: Clear evidence envelope which is heat-sealed

Description of Markings as Received: CPD Inventory Sticker

Laboratory Marks: CIDI

Laboratory Examination:

Clear bag contained a bpb sld w/ ret which contained a clear ziploc-like bag which contained a yellow pair of underwear.

Yellow pair of lacy underwear. Manufacturer's tag reads "Hanky Panky One Size".

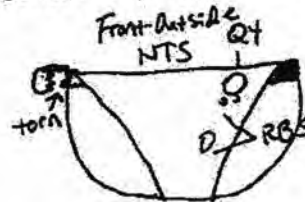
Damage to construction noted: waist band torn in right hip area.

Several RBS in front and back of underwear.

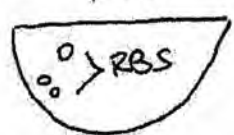
Taped for apparent hairs, fibers, and debris. → yellow env sld w/ bet → orig. pkg w/ evidence

Examined w/ ALS at 450nm. Three stains observed w/ ALS: Q1, Q2, and Q3.

5/25/05	KM	AP	KPIC	Size of Stain
POS	POS	+4	KNB	KNB
Neg	Neg	Neg	KNB	KNB
Q1A1		Neg	KNB	KNB
Q1A2	Q2	+2	+1 Approved by Dan Gander 5/25/05	2.5cm x 1.5cm
Q2	Q3	+4	+3	3cm x 2cm
Q3		Neg	KNB	KNB
Q4	POS	KNB	CONFIRMED by 5/25/05	2cm x 1cm



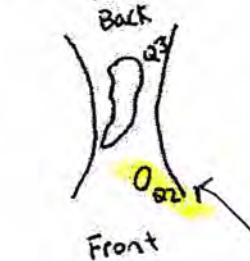
Back-Outside NTS



Inside-Crotch NTS



Outside-Crotch NTS



KPIC slide → slide mailer sld w/ bet → orig pkg w/ evidence
Subexhibited Q1A2 as 1A → gpp → coin env sld w/ bet → BFI K-304
Subexhibited Q2 as 1B → gpp → coin env sld w/ bet → BFI K-304
Removed whole stain for DNA analysis.

Conclusions: Semen identified.

Item taped for apparent hairs, fibers, and debris.

Repackaging: Orig pkg sld w/ bet

Date: 5/25/05

Analyst:

IL 493-0430

5/25/05 Re-opened to insert slide mailer in pkg w/ evidence.
Sld w/ bet.

ISP 6-76 (3/96)

21a 015 0111

Expert here Redacted
MADE this False Report
that Semen was
Identified in Q2
Subexhibited as 1B
Proven later NO Semen
was found.

exhibit D

RD/HL310333

Illinois State Police
Forensic Science Center at Chicago
1941 West Roosevelt Rd.
Chicago, IL 60608-1229
(312) 433-8000

To: DETECTIVE STUART TALEN Association # 2356
From: DEBORA DEPCZYNSKI
Fax: 312-744-5130
Date: 10/25/2005
Re: CODIS Convicted Offender Association

This information is being provided for investigative purposes only. You should not make an arrest solely on the basis of this information.

Note: An additional DNA standard (buccal swab or blood sample) from the convicted offender is necessary for confirmatory forensic analysis. Please complete an Evidence Submission Form and submit the standard to the CPD Division of Forensic Services. Once a standard has been submitted, a laboratory report with statistics will be forthcoming.

Investigating Officer: Det. Louis Offender name: Louis Martinez
Submitting Agency: CPD UNIT 630 DOB: 7/26/1978
RD/Agency Number: HL310333 SID#: IL36686060
Lab Case Number: C05-023506 IL IDOC#:
Victim(s) Name: Molly Grierson
Suspect(s) Name: N/A
Offense: CSA

Additional Information: Exhibit 1B (Inv# 10520806): Semen identified in stain from underwear.

If you have any questions or require additional information please contact Forensic Scientist and CODIS Administrator Kathleen Kozak at ext. 2065.

IN case no. 061104098 CASE WAS DISMISSED BECAUSE Debra Depczynski made a False lab report filed by Debra Depczynski TO present misleading Results TO LEAD TO MARTINEZ Arrest, Debra Depczynski knew Before MAKING This Report Exhibit 1B cutting from The panties WAS TESTED For SEMEN ON 8-29-05 results show NO SEMEN WAS found To be Run in CODIS see Exhibit E

Exhibit C

ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Sciences Command

RD / HL 310333
LAB case# COS-23506

LABORATORY WORKSHEET

Date Examined: 8/29/05Case No.: COS-23506Exhibit/Item: IB ; cutting from underwearSource/Date Received: BFI (K304) ; Kelly Balle, 8/29/05Description of Package: corn env. sld w/ BETDescription of Markings as Received: "COS-23506 EXIB KNB 5/25/05" ; ISP sticker w/ CIDLaboratory Marks: my DI

Laboratory Examination:

- Open ME and obs one glassine paper packet w/ "COS-23506, EXIB, [redacted] 5/25/05" written on it. Paper packet ~~contains~~ contains one piece of yellow cloth approx. 3cm x 2cm. No apparent stains obs.
- Removed approx 1/2 of yellow cloth for DNA analysis
- Placed ~~remaining~~ remaining cloth into glassine paper and returned the packet to the corn env. and sld w/ BET

- Note: Ex 1A me. from BFI (K304) ; Kelly Balle on 11/16/05. Not examined.

Extraction order :

1st IB2nd MB² - sterile swabs

Conclusions: [redacted]

In indictment no. 06-1104098 Dismissed on 2-14-06
The court dismissed The case Because prosecutor failed
To Turn over These exculpatory Results in the discovery
In case NO. 06-1104098 Showing IB cutting From The
panties WAS TESTED for semen ON 8-29-05 and this
Report proved NO semen at all was found on the
panties in Exhibit IB To be Run in CODIS These
Results proven That NO semen could match A
DNA profile in CODIS Finding Martinez innocence in
case no. 06-1104098

Repackaging: Orig w/ BETDate: 8/29/05

Analyst: [redacted]



ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Sciences Command

RD/ HL310333

LAB Case # Cos-23506Initials [REDACTED]Date 8/29/05**YIELD GEL WORKSHEET**

Cathodal Origin				
Lane	Sample	Resolub. Volume (μL)	DNA (ng / 4 μL)	DNA (ng / 1 μL)
1	λ DNA Dilution Series		125	
2			63	
3			31	
4			15	
5			8	
6			4	
7	1B FI	100	44d	41d
8	1B FI (1/10)	50	ND	ND
9	1B F2	50	28	7
10	1B F3	50	4	1
11	MBR	50	ND	ND
12				
13				
14				
Middle Origin				
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				

Cos-23506 1B FI, FI(1/10), F2, F3, MBR



8/29/05

IN Lab case no. COS-23506
RD/ HL310333 indictment no.
0611040980 COURT DISMISSED THE
CASE BECAUSE PROSECUTOR FAILED TO
TURN OVER IN THE DISCOVERY IN THE
INDICTMENT NO. 0611040980 RESULTS
HERE THAT SHOW ON 8-29-05 THAT
THE CUTTING ON THE PANTIES EXHIBIT
1-B WERE TOO VERY DEGRADED WITH
NO DNA TISSUE WHATSOEVER FOR
DNA ANALYSIS NO DNA WAS
DETECTED AT ALL FROM 1B CUTTING
FROM THE PANTIES BECAUSE 1B
CUTTING FROM THE PANTIES HAD NO
SEMEN WHATSOEVER AT ALL FOR
COMPARISON MARTINEZ WAS FOUND INNOCENT

Revision Date (12/00)

- d = degraded
- ND = Not Detected
- 1/10 dilution made w/ 45μL TE and 5μL of sample (creak)

ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Science Center at Chicago
1941 West Roosevelt Road
Chicago, Illinois 60608-1229
(312) 433-8000 (Voice) * 1-(800) 255-3323 (TDD)

Rod R. Blagojevich
Governor

November 22, 2005
LABORATORY REPORT

Larry G. Trent
Director

DETECTIVE E. LOUIS/ DETECTIVE C. REDMAN
CHICAGO POLICE DEPARTMENT UNIT 630
DETECTIVE DIVISION, AREA 3
2452 WEST BELMONT
CHICAGO IL 60618

Laboratory Case #C05-023506
RD #HL310333

OFFENSE: Sexual Assault
VICTIM: Molly Grierson

The following evidence was received by the Forensic Science Center at Chicago on May 16, 2005:
Inventory# 10520806

EXHIBIT

DESCRIPTION

1A
1B

Stain from inside of crotch of underwear (semen identified)
Stain from underwear (semen identified)

RESULTS

DNA from Exhibit 1B was amplified using the Polymerase Chain Reaction (PCR) and profiled at the following loci: D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, TH01, TPOX, CSF1PO and Amelogenin.

A mixture of human DNA profiles was identified in Exhibit 1B which was interpreted as a mixture of two people.

A male DNA profile was identified in Exhibit 1B. This male DNA profile was searched against the DNA Index. The search detected an association to the following individual which indicates he may be the donor of the semen identified: Louis Martinez, SID# IL36686060. This information pertains to Combined DNA Index System (CODIS) association# 2356.

The male DNA profile identified in Exhibit 1B has been included in the DNA Index and will continue to be compared to other profiles. You will be notified if a consistent profile is detected.

A female DNA profile was also identified in Exhibit 1B.

Exhibit 1A was not examined.

IN case NO. 0611040980 Dismissed
The court Dismiss The case because
prosecutor Nanky wilder withheld in
The discovery Semen Stain on the
Inside of The panties of The Real
Offender was NOT Examined before
Or during trial Brady 22
Violation 22

EXHIBIT H.

ILLINOIS STATE POLICE
 Division of Forensic Services
 Forensic Science Center at Chicago
 1941 West Roosevelt Road
 Chicago, Illinois 60608-1229
 (312) 433-8000 (Voice) * 1-(800) 255-3323 (TDD)

COPY

Rod R. Blagojevich
 Governor

June 9, 2005

Larry G. Trent
 Director

LABORATORY REPORT

DETECTIVE E. LOUIS/ DETECTIVE C. REDMAN
 CHICAGO POLICE DEPARTMENT UNIT 630
 DETECTIVE DIVISION, AREA 3
 2452 WEST BELMONT
 CHICAGO IL 60618

Laboratory Case #C05-023506
 RD #HL310333

OFFENSE: Sexual Assault
 VICTIM: [REDACTED]

The following evidence was received by the Forensic Science Center at Chicago on May 16, 2005:
 Inventory# 10520806

EXHIBIT	DESCRIPTION	FINDINGS
1	One yellow pair of woman's underwear	Semen identified. Blood indicated. Damage to construction observed. This item was taped for removal of apparent hairs, fibers, and debris.

REQUESTS:

At such time as known blood or buccal standards from the victim and suspect are submitted, the possible source of the semen identified on the evidence may be determined.

Semen has been identified on the evidence submitted. If the stain could have originated from consensual contact, please submit standards from the known individuals.

Microscopy evidence (apparent hairs, fibers, debris) was collected in this case. Please advise if comparisons are important to your investigation, and ensure that all standards can be collected.

If you have in your possession additional evidence that may be of significant value in this case, please advise.

If you have any questions regarding this report, please feel free to contact me.

EVIDENCE DISPOSITION:

Samples from Exhibit 1 have been retained at the Forensic Science Center at Chicago for DNA analysis and will be the subject of a separate report.

CASE NO. 0611040980 WAS DISMISSED
 BECAUSE PROSECUTOR WANCY WILDER WITHHELD
 IN THE DISCOVERY BLOOD LEFT ON THE PANTIES
 BY THE REAL OFFENDER WAS NEVER TESTED
 OR INTRODUCED BEFORE / DURING TRIAL

33

24

Exhibit I

~~PAC~~

1

IN RE: . PEOPLE VS. LUIS MARTINEZ

2nd indictment.

GJ NO 2637

ARR DATE 2-23-06

06-CR-3231

BEFORE THE SPECIAL GRAND JURY OF COOK COUNTY,
JANUARY, 2006

TRANSCRIPT OF TESTIMONY TAKEN IN THE
ABOVE ENTITLED MATTER ON FEBRUARY 1, 2006

PRESENT: MS. NANCY WILDER
ASSISTANT STATE'S ATTORNEY

REPORTED BY JOSEPH A. SZYBIST
CERTIFIED SHORTHAND REPORTER
ILLINOIS LICENSE NO. 084-1752

when case no. 20061104098 was dismissed on 2-14 2006
nancy wilder on 2-23-06 went in front of another judge and
re- indicted martinez using a different case no. 06cr3231
using the same victim molly grierson in case dismissed no.20061104098
LIST OF WITNESSES: using the same d.na. in codis in caseno.2006110408
that did not match
DETECTIVE LOUIS martinez was then convicted of this caseno.
06-cr- 3231

Exhibit J

Exh-2

2

1 THE FOREPERSON: Raise your right hand,
2 please.

3 (Witness duly sworn.)

4 MS. WILDER: Good morning. My name is
5 Nancy Wilder. I am an assistant state's attorney
6 in the sex crimes unit of the Cook County State's
7 Attorney's Office.

8 I appear before you today asking for
9 a True Bill in January 2637 charging the defendant
10 Luis Martinez with the felony offenses of
11 ~~aggravated criminal sexual assault, criminal~~
12 sexual assault, aggravated kidnapping, kidnapping
13 and unlawful restraint for the offense committed
14 on April 19, 2005, against the victim Molly
15 Grierson.

16 The Grand Jury does have the right
17 to subpoena and question any person against whom
18 the State's Attorney is seeking a Bill of
19 Indictment, or any other person, and to obtain and
20 examine any documents or transcripts relevant to
21 the matter being prosecuted by the State's
22 Attorney.

23 DETECTIVE LOUIS,
24 having been first duly sworn, was examined and

exhibit K

3

1 testified as follows:

2 EXAMINATION BY

3 MS. WILDER:

4 Q. Detective, have you been sworn?

5 A. Yes, I have.

6 Q. Could you please state your name, your
7 star number and unit of assignment for the ladies
8 and gentlemen of the Grand Jury.

9 A. Detective Edward Louis, L-o-u-i-s, star
10 20755, I am assigned to Area Three, Homicide.

11 Q. And, ~~detective~~, as part of your duties as
12 a Chicago Police detective, did you receive the
13 follow-up investigation of the sexual assault case
14 involving the victim Molly Grierson?

15 A. Yes, I did.

16 Q. Did your investigation show that on the
17 date that this assault took place, April 19, 2005,
18 that Molly Grierson was a 19-year-old DePaul
19 freshman?

20 A. Yes.

21 Q. Did your investigation further show that
22 on that date Luis Martinez was 27 years of age and
23 was a stranger to Molly Grierson?

24 A. Yes, he was.

Prosecutor used The same victim Again
in case No. 06cr3231 in case No. 061104098 in
case Dismissed on Actual Innocence

Exhibit L

1 Q. Did your investigation further show that
2 on April 19, 2005, at approximately 2:30 in the
3 morning that Molly Grierson left her freshman dorm
4 and began to walk to Osco?

5 A. Yes.

6 Q. As she walked in the vicinity of 944 West
7 Fullerton in the City of Chicago, County of Cook,
8 State of Illinois, did Luis Martinez come up from
9 behind her and grab her?

10 A. Yes, he did.

11 ~~Q. After he grabbed her, did he then drag~~
12 her to the back of a business located in that
13 vicinity and throw her to the ground?

14 A. Yes, he did.

15 Q. Did he tell her to stop struggling and
16 she wouldn't get hurt?

17 A. Yes.

18 Q. Did the victim suffer bruised wrists from
19 the defendant's actions in throwing her to the
20 ground and holding her hands above her head?

21 A. Yes.

22 Q. Did he then remove her pants and force
23 his penis into her vagina?

24 A. Yes, he did.

Exhibit M

5

1 Q. Okay. After the victim -- sorry -- did
2 the victim give the police the underwear that she
3 was wearing on that day?

4 A. Yes.

5 Q. Was the defendant's DNA recovered from
6 semen on that victim's underwear?

7 A. Yes.

8 Q. Did she also identify the defendant in a
9 lineup?

10 A. Yes, she did.

11 MS. WILDER: ~~Nothing further.~~

12 THE FOREPERSON: Thank you.

13 (Witness excused.)

14 (Whereupon the Grand Jury was
15 left alone to deliberate,
16 after which the following
17 proceedings were had.)

18 THE FOREPERSON: True Bill.

19 (Whereupon the above-entitled
20 cause was continued
21 for arraignment before
22 the Presiding Judge of
23 the Criminal Division.)
24

IN case NO. 06cr3231 The states attorney
lied TO The grand jury saying martinez
DNA was Found on The victim underpants

EXHIBIT N

ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Sciences Command

LABORATORY WORKSHEET

Prosecutor withheld The Expert Conclusion on This report by Redacting experts conclusions of Test results Because Results And expert conclusion Provoke A doubt in the case

Date Examined: 8/29/05Case No.: 005-23506Exhibit/Item: 1B ; Cutting from underwearSource/Date Received: BFI (K304) ; Kelly Balle, 8/29/05Description of Package: Com. env. sld w/ BETDescription of Markings as Received: "005-23506 EX1B KNB 5/25/05" ; ISP sticker w/ CIDLaboratory Marks: My DI

Laboratory Examination:

- Open ME and obs on glassine paper packet w/ "005-23506, EX1B, 5/25/05" written on it. Paper packet contains one piece of yellow cloth approx. 3cm x 2cm. No apparent stains obs.
- Removed approx 1/2 of yellow cloth for DNA analysis
- Placed remaining cloth into glassine paper and returned the packet to the Com. env. and sld w/ BET

Extraction order:

Note: Ex1A rec. from BFI (K304) ; Kelly Balle on 11/16/05. Not examined.

1st 1B2nd MB² - slide swab

Conclusions:

prosecutors withheld expert conclusion MADE on his or her finding favorable evidence

DNA Testing 1B cutting From The panties Revealed on This Date 8-29-05 Semen was NOT Found on The cutting From The panties 1B TO Be ran in CODIS Or TO either Be compared TO Martinez Buccal DNA Swabb of his arrest This report is sufficient To prove Actual innocence The forensic expert conclusion in This lab report Are Redacted by prosecutors TO withhold Exculpatory statements

Repackaging: Orig w/ BETDate: 8/29/05Analyst: [Redacted]

IL 493-0430

Counsel of Trial failed To raise This report States attorney withheld The identity of The expert who MADE this report by Redacting experts Identity who can be used as A defense expert TO prove Innocence

ISP 8-76 (3/96)

only 2 MW



ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Sciences Command

LAB Case # C05-23506Initials Date 8/29/05**YIELD GEL WORKSHEET**

Cathodal Origin				
Lane	Sample	Resolob. Volume (μL)	DNA (ng / 4 μL)	DNA (ng / 1 μL)
1	A DNA Dilution Series		125	
2			63	
3			31	
4			15	
5			8	
6			4	
7	1B F1	100	44d	4d
8	1B F1 (1/10)	50	ND	ND
9	1B F2	50	28	7
10	1B F3	50	4	1
11	MBQ	50	ND	ND
12				
13				
14				
Middle Origin				
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				



8/29/05

ON 2-23-06 IN Nancy Wilder
Knew indictment Nancy Wilder did
NOT Tell The Grand jury in
Indictment No. 06 cr 3231 That
ON 8-29-05 1B cutting from the
panties were very degraded
with NO DNA Semen at all
This Report showed NO DNA
WAS detected from 1B cutting
from the panties That had
NO DNA Semen at all this
IS why case No. 0611040980
WAS dismissed Finding Martinez
Innocent.

- d = degraded
- ND = Not Detected
- 1/10 dilution made w/ 45μL TE and 5μL of sample (creast)

Revision Date (12/00)

Exhibit
Prosecutor Mislead The Judge

Exhibit No. ~~1~~

Exhibit ~~1~~

Exhibit 1.

ejaculated quickly got dressed and fled in an unknown vehicle.

The victim did report this to the police and the police did take underwear which had been belonged to the victim which she had been wearing at the time of this incident which she had put back on after the incident in order to walk home in her clothing.

The semen was tested by the crime lab and put into the CODIS bank at that time.

In October of 2005, there was a CODIS hit between the comparison of the DNA submitted from the under pants of the victim which matched the DNA of this defendant which had been placed in the DNA bank once this defendant was convicted of a felony offense.

At that time, the confirmatory tests were done with the buccal swab which was recovered from the defendant and did it in fact match this defendant.

STATES ATTORNEYS, PERJURED TESTIMONY USED TO SUPPORT CONVICTION STATES ATTORNEY KNEW THAT THE DNA IN CODIS WAS COMPARED WITH MARTINEZ BUCCAL SWAB POLICE OBTAIN THROUGH ARREST IT SHOWED THE DNA IN CODIS LOGGED IN MARTINEZ NAME IS ERRANT DNA IN CODIS

State S
Attorney
Testimony
used to
convict me

Blood results
were NOT
presented
BY prosecutor.
Exculpatory
Value

States attorney
knew the
underwear in
Exhibit 1
was for
S. S. etc.
in B. F. etc.

The

exhibit 2

Illinois State Police
Forensic Science Center at Chicago
1941 West Roosevelt Rd.
Chicago, IL 60608-1229
(312) 433-8000

To: DETECTIVE STUART TALLEN Association # 2356
From: DEBORA DEPCZYNSKI
Fax: 312-744-5130
Date: 10/25/2005
Re: CODIS Convicted Offender Association

This information is being provided for investigative purposes only. You should not make an arrest solely on the basis of this information.

Note: An additional DNA standard (buccal swab or blood sample) from the convicted offender is necessary for confirmatory forensic analysis. Please complete an Evidence Submission Form and submit the standard to the CPD Division of Forensic Services. Once a standard has been submitted, a laboratory report with statistics will be forthcoming.

Investigating Officer: Det. Louis Offender name: Louis Martinez
Submitting Agency: CPD UNIT 630 DOB: 7/26/1978
RD/Agency Number: HL310333 SID#: IL36686060
Lab Case Number: C05-023506 IL IDOC#: _____
Victim(s) Name: Molly Grierson
Suspect(s) Name: N/A
Offense: CSA
Additional Information: **Exhibit 1B (Inv# 10520806): Semen identified in stain from underwear.**

If you have any questions or require additional information please contact Forensic Scientist and CODIS Administrator Kathleen Kozak at ext. 2065.

1B cutting from the underwear was proven in indictment no. 0611040980
After testing NOT to have NO semen at all This is why Martinez
was found innocent in indictment no. 0611040980 when court found
LAB made this fabricated document that lead to my false
Arrest Geraldine D'souza Then re-used this document in the
Second indictment 06 cr 3231.

Exhibit 3

State's attorney suppressed
prior to the plea or on
The plea hearing This
Exculpatory Report That
would undermine confidence
in Martinez conviction

ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Sciences Command

LABORATORY WORKSHEET

Date Examined: 8/29/05

Case No.: COS-23506

Exhibit/Item: 1B ; cutting from underwear

Source/Date Received: BFI (K304) ; Kelly Balle, 8/29/05

Description of Package: com env. sld w/ BET

Description of Markings as Received: "COS-23506 EX1B KNB 5/25/05" ; ISP staker w/ CID

Laboratory Marks: my DI

Laboratory Examination:

- Open ME and obs one glassine paper packet w/ "COS-23506, EX1B, [redacted] 5/25/05" written on it. Paper packet ~~contain~~ contains one piece of yellow cloth approx. 3cm x 2cm. No apparent stains obs.
- removed approx 1/2 of yellow cloth for DNA analysis
- Placed ~~remaining~~ remaining cloth into glassine paper and returned the packet to the com env. and sld w/ BET

Extraction order:

1st 1B

2nd MB^a - spoke sample

- Note: Ex 1A rec. from BFI (K304) ; Kelly Balle on 11/16/05. Not examined.

Conclusions: [redacted]

Prosecutor Before The plea, or on the day of The plea, Refused To turn over This Lab report Suppressed That Shows the parties in Exhibit 1B was tested For Semen and This report Shows the parties had NO Semen at all To be Run in CODIS or To MATCH A DNA profile in CODIS This would had proven Martinez Factual innocence if disclosed prior To the plea, or before The plea

Repackaging: Orig w/ BET

Date: 8/29/05

Analyst: [redacted]

Exhibit U



ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Sciences Command

Case # C05-23506

Initials [Redacted]

Date 8/29/05

YIELD GEL WORKSHEET

Cathodal Origin				
Lane	Sample	Resolub. Volume (µL)	DNA (ng/4 µL)	DNA (ng/1 µL)
1	λ DNA Dilution Series	[Redacted]	125	[Redacted]
2			63	
3			31	
4			15	
5			8	
6			4	
7	1B F1	100	24d	cl d
8	1B F1 (1/10)	50	ND	ND
9	1B F2	50	28	7
10	1B F3	50	4	1
11	MBQ	50	ND	ND
12				
13				
14				
Middle Origin				
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				



This Laboratory worksheet was Suppressed by prosecutor Before The plea, and on The Day of the plea That carried Brady's constitutional implications Showing factual innocence that 1B-F1 contained No Semen at All Because This Document Shows if DNA ever Existed on The panties in exhibit 1B-F1 it had degraded To NO Semen at all prosecutor never mentioned This before the plea, or on The plea That DNA had degraded with NO high Molecular for DNA Analysis To produce reliable results

Revision Date (12/00)

- d = degraded
- ND = Not Detected
- 1/10 dilution made w/ 45µL TE and 5µL of sample (creast)

EXHIBIT
5

States attorney lie, AT Sentencing, 23

1 After this CODIS hit, the
2 police officer did look at this defendant
3 and his description from police reports.
4 and it closely matched the description
5 given by the victim in the case.

6 After that, this defendant
7 was placed under arrest and placed into a
8 lineup and that was done in January of
9 2006.

10 At that time, the victim
11 immediately identified this defendant
12 from the lineup of five individuals as
13 the individual who did attack and rape
14 her by stating "that's the guy. That's
15 it" immediately upon seeing this
16 defendant in the lineup.

17 As I said a buccal swab
18 was taken of this defendant after his
19 arrest and there was confirmatory testing
20 done. The DNA from this defendant did in
21 fact match the semen found in the
22 underpants of the victim.

23 So stipulated?

24 MR. PITLUK: So stipulated that

Record of
States attorney
Statement TO
Support The
Conviction

Exhibit 6

ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Science Center at Chicago
1941 West Roosevelt Road
Chicago, Illinois 60608-1229
(312) 433-8000 (Voice) * 1-(800) 255-3323 (TDD)

Rod R. Blagojevich
Governor

Larry G. Trent
Director

February 23, 2006

LABORATORY REPORT

DETECTIVE E. LOUIS/ DETECTIVE C. REDMAN
CHICAGO POLICE DEPARTMENT UNIT 630
DETECTIVE DIVISION, AREA 3
2452 WEST BELMONT
CHICAGO IL 60618

Laboratory Case #C05-023506
RD #HL310333

OFFENSE: Sexual Assault
SUSPECT: Luis Martinez
VICTIM: [REDACTED]

The following evidence was received by the Forensic Science Center at Chicago on February 2, 2006:
Inventory# 10683262

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
2	Buccal standard: Luis Martinez

RESULTS

The following information pertains to Combined DNA Index System (CODIS) association# 2356.

DNA from Exhibit 2 was amplified using the Polymerase Chain Reaction (PCR) and profiled at the following loci: D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, TH01, TPOX, CSF1PO and Amelogenin.

A human male DNA profile was identified in Exhibit 2 and compared to the human male DNA profile previously identified in Exhibit 1B (Stain from underwear: semen identified).

The human male DNA profile identified in Exhibit 1B matches the DNA profile of Luis Martinez. This profile would be expected to occur in approximately 1 in 12 quintillion Black, 1 in 520 quadrillion White or 1 in 77 quadrillion Hispanic unrelated individuals.

The human male DNA profile from Exhibit 1B has been included in the DNA Index and will continue to be compared to other profiles. You will be notified if a consistent profile is detected.

See the attached table for a summary of observed alleles.

REQUESTS

For results of previous biological examinations, please refer to the laboratory reports by Forensic Scientist Christopher W. Webb and Forensic Scientist Kelly N. Behle from the Forensic Science Center at Chicago.

IN 2nd indictment lab MADE this False lab Report Geraldine D'Souza
Used for the prosecution and conviction of The Second indictment
Knowing 1B cutting from The panties contained NO SEMEN

ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Sciences Command

Exhibit 7

LABORATORY WORKSHEET

Date Examined: 8/29/05Case No.: LOS-23506Exhibit/Item: IB ; cutting from underwearSource/Date Received: BFI (K304) ; Kelly Belle, 8/29/05Description of Package: corn env. sld w/ BETDescription of Markings as Received: "LOS-23506 EXIB KNB 5/25/05" ; ESP staker w/ CIDLaboratory Marks: my DI

Laboratory Examination:

- Open ME and obs one glassine paper packet w/ "LOS-23506, EXIB, [redacted] 5/25/05" written on it. Paper packet contains one piece of yellow cloth approx. 3cm x 2cm. No apparent stains obs.
- Removed approx 1/2 of yellow cloth for DNA analysis
- Placed remaining [redacted] remaining cloth into glassine paper and returned the packet to the corn env. and sld w/ BET

Extraction order :

1st IB2nd MBQ - sterile swabs

- Note: Ex 1A rec. from BFI (K304) ; Kelly Belle on 11/16/05. Not examined.

Conclusions: [redacted]

In The 2nd indictment Geraldine D'Souza failed to turn over in the discovery this exculpatory LAB Report NOT available at Sentencing That show on 8-29-05 IB cutting from the panties used for conviction had no semen at all after testing on 8-29-05 to be compared to Martinez Buccal swabb of arrest.

Repackaging: Orig w/ BETDate: 8/29/05

Analyst: [redacted]

Exhibit 8



ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Sciences Command

Case # 205-23506Initials Date 8/29/05

YIELD GEL WORKSHEET

Cathodal Origin				
Lane	Sample	Resolub. Volume (μL)	DNA (ng / 4 μL)	DNA (ng / 1 μL)
1	λ DNA Dilution Series		125	
2			63	
3			31	
4			15	
5			8	
6			4	
7	1B F1	100	24d	21d
8	1B F1 (1/10)	50	ND	ND
9	1B F2	50	28	7
10	1B F3	50	4	1
11	MBQ	50	ND	ND
12				
13				
14				
Middle Origin				
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				

205-23506 #1B F1, F1(1/10), F2, F3, MBQ



8/29/05

This Laboratory worksheet was Suppressed by prosecutor before The plea, and on The Day of The plea, That carried Brady's Constitutional implications Showing Factual innocence 1B contained No Semen Stains at all if DNA ever existed it was very Degraded with No Semen DNA AT ALL To be detected Geraldine D'souza Never mention This at trial That the DNA had degraded with No high Molecular for DNA Analysis To produce Reliable Results

Revision Date (12/00)

Victim told the court only one man
 OF Lab CASE NO. C03-33953 left Semen on her panties

1 system with the underwear that they had. Sure enough
 2 they had a hit. It was described as a hit on a hit
 3 The sample that they got from the victim's underwear,
 4 where she insisted no other man would have been able to
 5 contribute DNA, showed it did match somebody already in
 6 the data bank,

7 I would note that the state believes that
 8 they write down on a form letter not authored by the
 9 witness here. A form letter this is an important
 10 step. They would prefer to have confirmatory testing
 11 done as well, not because they have any issues or
 12 concerns about the integrity of it but they had some
 13 chain of custody issue to go to court for trial which
 14 would obviously be advisable on their part.

15 This is not as trial. This is a probable
 16 cause hearing, and what's based on this Court is what's
 17 in the police officer's mind and what would be
 18 reasonable under all circumstances in this case.

19 The fact is that they had a match. They
 20 thought that they needed to act upon this match. They
 21 needed to locate the offender.

22 I won't say disingenuous. I have no issues
 23 whatsoever about Mr. Paul and Ms. Binstock in the
 24 representation of Mr. Martinez. I'm saying on the one

I was to give DNA at trial K 65
 But my Trial lawyer was
 ineffective for not going to trial
 Court did not do this testing prior to the plea.

Exhibit 10

Report of Laboratory Examination

8/10/2004

Cellmark Case Number: IB04-4152

Agency Case No: C03-033953

Table 1: (Sample Profiles)

Sample Name	D3S1358	VWA	FGA	D8S1179	D21S11	D18S51	D5S818	D13S317	D7S820	D16S539	TH01	TPOX	CSF1PO	AMEL
Swab driver's seat IB04-4152-01	[REDACTED]													
C030339531A														

It may not be possible to determine whether DNA from a female is present when DNA from a male is detected.

The results listed in the table do not depict intensity differences.

Weak or ambiguous results may have been observed that were due to the presence of DNA from more than one individual or to technical artifacts; these additional results were not interpreted.

Minor sources of DNA in samples with mixtures may not be detectable at all loci.

CODIS - This sample is reported in a CODIS CMF file.

The court found no other man but this offender to lab case number C03-33953 was the only person who contributed DNA semen on the victim's panties as the victim insisted that only one man left semen on her panties. This offender prosecutors withheld the real offender identity. The court found the semen left on the panties showed it did match this person already in the CODIS DNA data bank. See Record K65

p

1 of 1

exhibit

C03-33953 AME

Summary of DNA Analytical Results

C05-023506

Exhibit Attachment - I

Exhibit 11

	Sub 1B-F1 Stain from underwear (semen identified)	Sub 1B-F2 Stain from underwear (semen identified)							
D3S1358	14,16,17,18	14,16							
vWA	14,16,17	16,17							
FGA	20,22,24	22							
Amelogenin	X,Y	X,Y							
D8S1179	10,12,13,16	12,16							
D21S11	28,29,30,2,32,28,30,2								
D18S51	12,14	12,14							
D5S818	11,12,13	12							
D13S317	9,11,12	9,11							
D7S820	7,11,12	11,12							
D16S539	10,11,12	10,12							
TH01	7,9	7,9							
TPOX	8,11,12	11,12							
CSF1PO	11,12	11,12							

NT = Not Tested ND = Not Detected

This is a summary of the observed alleles only. Interpretations are made according to established guidelines.

Panties in 1B-F1 in the beginning only had DNA of one man semen the DNA evidence of A semen stain on the victim's PANTIES Sub 1B-F1 belong to an offender with Alleles 17,18 D3S1358, vWA Allele 14, FGA Allele 20,24 D8S1179 Allele 10,13 D21S11 Allele 29,32,2 D18S51 Allele 12,14 D5S818 Allele 11,13 D13S317 Allele 12, D7S820 Allele 7, D16S539 Allele 11, TH01 Allele 7,9 TPOX Allele 8, CSF1PO Allele 11,12 The sample that they got from the victim's underwear where she insisted no other man's would have been able to contribute DNA, showed it did match somebody DNA already in the data bank only one man with these alleles before the lab carelessly added Martinez Buccal State Swab already at the lab Martinez DNA Saliva was transferred on 1B-F1 on the evidentiary sample 1B-F1 Then 1B-F2 was created incriminating Martinez

RD# HL310333 Inv# 10520806

EXHIBIT
EXHIBIT

4°C

ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Sciences CommandExhibit
12

LABORATORY WORKSHEET

Date Examined: 5/25/05

Case No.: C05-23506

Exhibit/Item: Ex-1 Yellow underwear

Source/Date Received: Richard Esposito (BF1BBNA)/5/25/05

Description of Package: Clear evidence envelope which is heat-sealed

Description of Markings as Received: CPD Inventory Sticker

Laboratory Marks: CIDI

Laboratory Examination:

Clear bag contained a bpb sld w/ ret which contained a clear ziploc-like bag which contained a yellow pair of underwear.

Yellow pair of lacy underwear. Manufacturer's tag reads "Hanky Panky One Size".

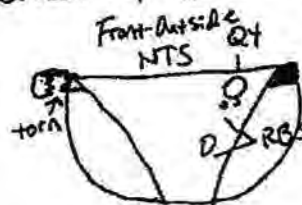
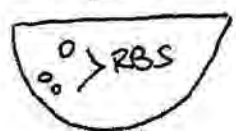
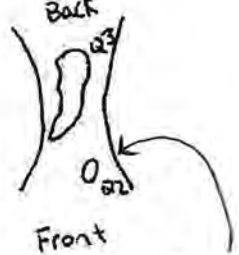
Damage to construction noted: waist band torn in right hip area.

Several RBS in front and back of underwear.

Taped for apparent hairs, fibers, and debris. → yellow env sld w/ bet → orig. pkg w/ evidence

Examined w/ ALS at 450nm. Three stains observed w/ ALS: Q1, Q2, and Q3.

5/25/05	KM	AP	KPIC	Size of Stain
POS	POS	+4	KNB	KNB
Neg	Neg	Neg	KNB	KNB
Q1A1		Neg	KNB	KNB
Q1A2	Q2	+2	+1 Approved by Dan	2.5cm x 1.5cm
Q2	Q2	+4	+3 Gender 5/25/05	3cm x 2cm
Q3		Neg	KNB	KNB
Q4	POS	KNB	CONFIRMED Dug 5/25/05	2cm x 1cm

Back-Outside
NTSInside-Crotch
NTSOutside-Crotch
NTSKPIC slide → slide mailer sld w/ bet → orig pkg w/ evidence
Subexhibited Q1A2 as 1A → gpp → coin env sld w/ bet → BFI K-304

Subexhibited Q2 as 1B → gpp → coin env sld w/ bet → BFI K-304

Removed whole stain for DNA analysis.

Conclusions: Semen identified.

Item taped for apparent hairs, fibers, and debris.

Confrontation clause violated
when analyst identity withheld
redacted to cross-examine

Repackaging: Orig pkg sld w/ bet

Date: 5/25/05

Analyst: [redacted]

IL 493-0430

5/25/05 Re-opened to insert slide mailer in pkg w/ evidence.
Sld w/ bet.5/25/05 Ziploc Bag was Re-open by A UNKNOWN person → [redacted] ISP 6-76 (3/96)
After Bag was sealed by Analyst Redacted An UNKNOWN 2nd person
Person Re-open it changed The panties here destroyed And re-placed
Person remained re-open not sealed.

EXHIBIT 13

1 standard from Mr. Martinez?

2 A. August 24, 2004.

3 Q And the date that the fingerprint is affixed
4 to this piece of paper is what?

5 A August 24, 2004.

6 Q When you took this buccal swab, you also made
7 him fill out the form of the form. When you took the
8 buccal swab, you filled out the rest of the form?
9 A Yes.

10 Q You indicated race of the person was Hispanic
11 and not Black?

12 A Yes.

13 Q Did you look at Mr. Martinez at that time?
14 A Yes.

15 Q Did he look Black to you?
16 A No.

17 Q In addition to filling out this form with
18 respect to collecting the buccal swab, did you also
19 review other identifiers regarding tatoos of this
20 probationer?

21 A No.

22 MS. BINSTOCK: Nothing further.

23 MS. D'SOUZA: Nothing further.

24 (Witness was excused.)

Martinez State
Swabb MBQ Given
Aug. 24, 2004
Probation Officer
placed case no. C03-33953
and Martinez identity
on Martinez DNA sent
to the lab.

will prove mr martinez innocent
today because mr martinez never had
dna in codis/ or put in codis, so match
any dna in this s case

Exhibit 14

ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Sciences Command

LABORATORY WORKSHEET

lab case number of
The real offender
who matches the
DNA in lab case number
CO3-23506

Date Examined: 8.16.05

Case No.: CO3-33953

Exhibit/Item: 2, Buccal swab standard from [REDACTED]

Source/Date Received: 8.16.05 from DAY

Description of Package: Man. env. sld w/ clear and R/WET

Description of Markings as Received: CPD and calms stickers

Laboratory Marks: D1 on env.

Laboratory Examination:

SAMPLES FROZEN
FOR DNA TESTING
preserved.

Inside man. env. contains another man. env. closed with "Kit shipping seal", not initialed. Second man. env. contains buccal swab collection kit env. sld w/ R&T. Kit env. contains PLB w/ subject information card. Swab env. sld w/ R&T attached to subject information card. Consent to collect form [REDACTED] file. Swab env. contains 2 swabs stained yellowish.

- 2 swab tips broken off and placed into PLB → sm. man. env. sld w/ BET 8.16.05 [REDACTED] sub exhibited swab tips as

Ex. 2A → Loc DB1
(05-546)
8.16.05 [REDACTED]

proof IAB received Martinez DNA buccal swabb Martinez had given his probation officer on August 24, 2004 IAB received Martinez dna under case no. CO3-33953 another man's theft CASE The Real offender who left semen on the victim parties in exhibit 1B-F1

ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Sciences Command

Exhibit 15

LABORATORY WORKSHEETDate Examined: 8/29/05Case No.: 005-23506Exhibit/Item: 1B ; Cutting from underwearSource/Date Received: BFI (K304) ; Kelly Behle, 8/29/05Description of Package: Com env. sld w/ BETDescription of Markings as Received: "005-23506 Ex 1B RNB 5/25/05" ; ESP staker w/ CIDLaboratory Marks: My DI

Laboratory Examination:

- Open ME and obs one glossine paper packet w/ "005-23506, Ex 1B, 5/25/05" written on it. Paper packet contains one piece of yellow cloth approx. 3cm x 2cm. No apparent stains obs.
- Removed approx 1/2 of yellow cloth for DNA analysis
- Placed remaining remaining cloth into glossine paper and returned the packet to the Com env. and sld w/ BET

Extraction order:

1st 1B2nd MBQ - sterile swab

once Martinez Saliva was placed on Sub 1B-F1 w/ semen of Real offender Martinez DNA was ordered to be extracted

Note: Ex 1A rec. from BFI (K304) ; Kelly Behle on 11/16/05. Not examined.

Conclusions:

The buccal DNA swabb given August 24, 2004 Martinez buccal DNA swabb was already at the 1AB with 1B-F1 with the DNA Semen identified on the panties of the only offender who left semen offender to case number 003-33953 Because Martinez buccal saliva was with the evidentiary sample packaged together 1AB purposely transfer Martinez saliva on the semen on the panties Sub 1B-F1 to frame Martinez then incriminated

Repackaging: Orig w/ BETDate: 8/29/05Analyst: [redacted]

Exhibit 16

LAB Error
procedures are
InfallibleILLINOIS STATE POLICE
Division of Forensic Services
Forensic Sciences Command

LABORATORY WORKSHEET

Date Examined: 12/22/05Case No.: 05-23506Exhibit/Item: 1BDNA extract from Exhibit 1B subexhibited as 1B1

Source/Date Received:

DNA extract from Exhibit _____ subexhibited as _____

Description of Package:

DNA extract from Exhibit _____ subexhibited as _____

Description of Markings as Received:

Laboratory Marks:

DNA extract from Exhibit _____ subexhibited as _____

Laboratory Examination:

DNA extract from Exhibit _____ subexhibited as _____

*Cuttings of each exhibit saved and packaged with dried down DNA extract ■ 1/9/06

DNA dried down on 12/22/05

Order	Sample	~ Remaining Volume (µl)	~ Time Dried Down (min)
<u>1</u>	<u>1B1 F1</u>	<u>48</u>	<u>45</u>
<u>1</u>	<u>1B1 F2</u>	<u>41</u>	<u>45</u>
<u>1</u>	<u>1B1 F3</u>	<u>41</u>	<u>45</u>
<u>2</u>	<u>MRQ</u>	<u>26</u>	<u>30</u>

UMB packaged with Exhibit 1B1
MRQ State Swabb

	Discarded	Saved	N/A
Cutting from UMB	<u>✓</u>	_____	_____
Dilutions	<u>✓</u>	_____	_____
Standards	_____	_____	<u>✓</u>
SMB	_____	_____	<u>✓</u>

Conclusions: EW

proof Martinez DNA buccal state
Swabb was packaged together
with 1B-F1 semen from the
Real offender from lab case
No. 03-33953 who was the
only male who left semen on
the panties in exhibit 1B-F1
lab carelessly on purpose transfer
my state saliva swabb on the
panties sub 1B-F1 so my alleles
could appear on sub 1B-F1 were
my saliva was extracted.

Repackaging:

Date:

12/22/05

Analyst:

IL 493-0430

All SMEs from extracted DNA andproof ex. 1B and 1A →med ME (corr. pkg) (noted)

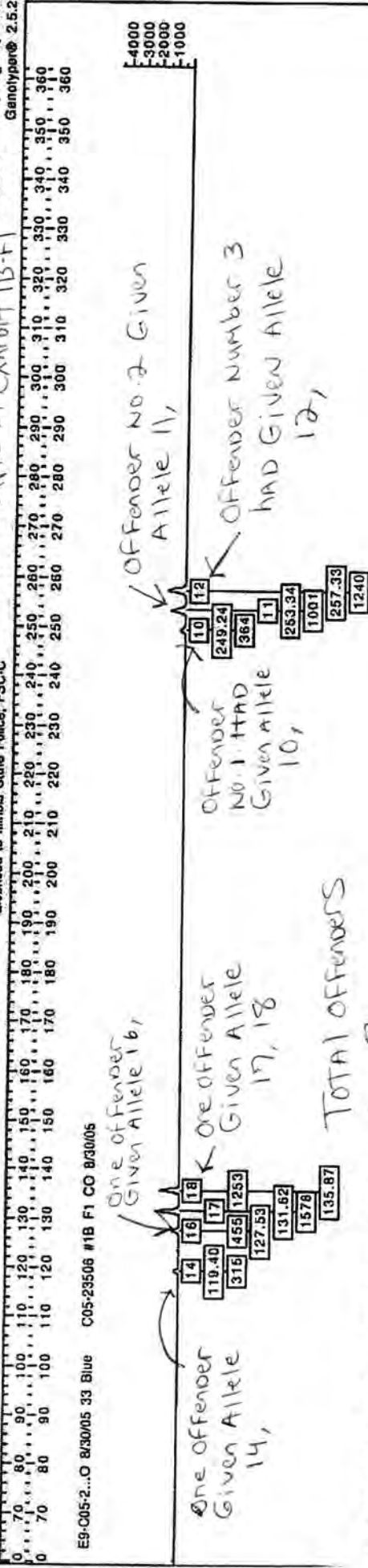
ISP 6-76 (3/96)

2A

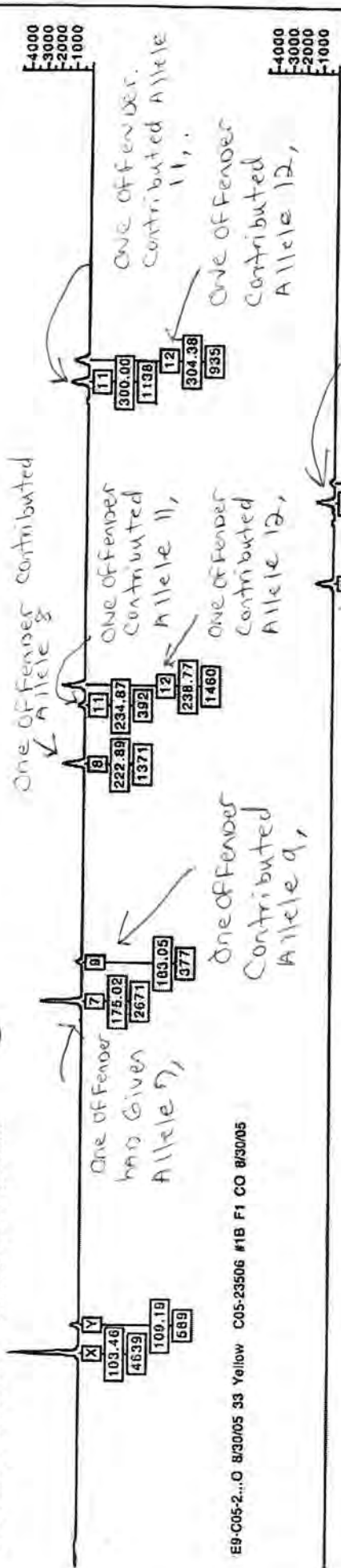
unreported offenders

12:44:16 PM Wed, Aug 31, 2005
Genolypers® 2.5.2

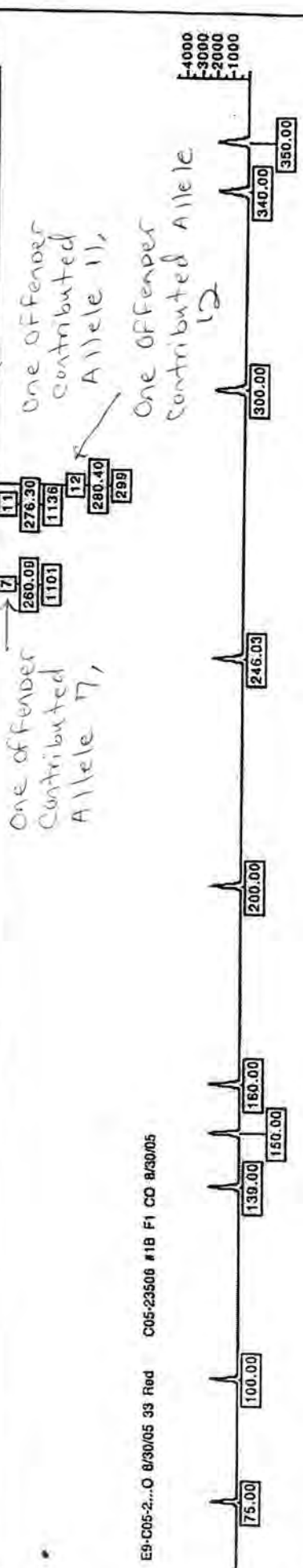
C05-23506 #1B F1 CO 8/30/05 CW
Licensed to Illinois State Police, FSC-C



E9-C05-2...O 8/30/05 33 Green C05-23506 #1B F1 CO 8/30/05

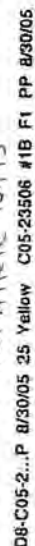


E9-C05-2...O 8/30/05 33 Yellow C05-23506 #1B F1 CO 8/30/05



E9-C05-2...O 8/30/05 33 Red C05-23506 #1B F1 CO 8/30/05

C05-23508 #1B F1 PP 8/30/05 CW
Licensed to Illinois State Police, FSC-C
Sample in Sub B-F
Alleles
12:25:26 PM Wed, Aug 31, 2005
Genolymp® 2.5.2



Not for use in diagnostic systems

4

COS-23524

EXhibit 20
 Martinez Saliva was put on These panties Not original pair
 these panties are sub 1B F2 Saliva misinterpreted as semen

PROPERTY INVENTORY - NO.
 CHICAGO POLICE DEPARTMENT
 CPD-34.523 (REV. 6/03)

INV NO 10520806

PKG NO 514362

DATE RECOVERED

22-APR-2005



RD HL310333

RE-INVENTORY OF:

UNIT 377

INVENTORY NO.

10520806

COPY

DESCRIPTION OF PROPERTY

CLOTHING / FUR : ONE PAIR OF WOMANS UNDERWEAR

ITEM ID QUANTITY

940912 1

COMMENTS: EVENT# 0511200228

CSA
 VICTIM: GRIESON, MOLLY F/2/19
 TO: DNA

Court Date
 Court Branch

CURRENCY:

EVIDENCE & RECOVERED PROPERTY SECTION USE ONLY

\$ TOTAL CASH U.S.C

IUCR: 0281 CRIM SEXUAL ASSAULT NON-AGGRAVATED

STATE CHARGES:

RECOVERED/SEIZED FROM - NAME
☐ DECEASED ☐ ARRESTED

OWNER'S NAME
 ADDRESS
 ADDRESS

AT
 ADDRESS

CHARGE TYPE:
INCHOATE:BEAT OF RECOVERY
1812

TELEPHONE NO.

FOUND BY - NAME
☐ CHECK IF
 C.P.D.

☒ HOLD FOR INVESTIGATION
 AND/OR EVIDENCE
 (IF NOT NEEDED FOR INVESTIGATION/EVIDENCE, LEAVE BLANK)

INVESTIGATING OFFICER -
 GRANT, DAVID
 UNIT 377

1st OFFICER'S NAME
 GRANT, DAVID
 STAR NO. 5284

STAR NO.
 5284

☐ PROPERTY OWNER PICK-UP PURSUANT TO
 NOTICE OF INVENTORY RETURN POLICY

☐ TO BE DISPOSED OF BY CUSTODIAN (NOT TO BE RETURNED)
 (THIS APPLIES IF PROPERTY IS NOT EVIDENCE, NOT RETURNABLE AND/OR OWNER IS UNKNOWN)

INITIAL DESTINATION OF PROPERTY:
 FORENSIC SERVICES SECTION

☒ POLICE MAIL ☐ RECOVERING UNIT PERSONNEL
☐ E & RPS PICKUP ☐ EVID/LAB TECHNICIAN

APPROVING DESK SERGEANT
 HOLZINGER, NORBERT

SIGNATURE
 Electronic Approval

STAR NO.
 2215

DATE
 22-APR-2005

TIME
 03:10

COPY 1 - KEEP WITH PROPERTY

PC00432

Printed by: PC00956 22-APR-2005 03:10

Original pair of panties
 recovered May 12, 05 exhibit 23

Summary of DNA Analytical Results
C05-023506
Exhibit Attachment - 1

	Sub 1B-F1 Stain from underwear (semen identified)	Sub 1B-F2 Stain from underwear (semen identified)							
3S1358	14,16,17,18	14,16							
WA	14,16,17	16,17							
GA	20,22,24	22							
melogenin	X,Y	X,Y							
8S1179	10,12,13,16	12,16							
21S11	28,29,30,2,32,228,30,2								
18S51	12,14	12,14							
5S818	11,12,13	12							
13S317	9,11,12	9,11							
7S820	7,11,12	11,12							
16S539	10,11,12	10,12							
H01	7,9	7,9							
POX	8,11,12	11,12							
SF1PO	11,12	11,12							

T = Not Tested ND = Not Detected
This is a summary of the observed alleles only. Interpretations are made according to established guidelines.

Martinez Saliva was put on purpose by the lab on the pair of panties of April 22, 05 in exhibit 20 panties that are not the original pair of panties seized victim worn during the rape seized May 12, 2005 in exhibit 23 the panties in exhibit 20, are sub 1B-F2 panties here with Martinez Saliva misinterpreted as Semen used to convict Martinez.

C05-023506

24

24

Exh.	Name	Cust. Beg.	Cust. End	Evd. Desc.
1	Alexandra Mikos	05-16-2005	05-25-2005	1-ONE PAIR OF WOMANS UNDE
1	Richard Esposito	05-25-2005	05-25-2005	
1	Kelly N. Behle	05-25-2005	05-25-2005	
1	Alexandra Mikos	05-25-2005	05-26-2005	
1	Returned	05-26-2005	Current	
1A	Kelly N. Behle	05-25-2005	11-16-2005	Q1A2 - Stain from inside
1A	Christopher W. Webb	11-16-2005	01-17-2006	
1A	David Yokley	01-17-2006	01-24-2006	
1A	Returned	01-24-2006	Current	
1B	Kelly N. Behle	05-25-2005	08-29-2005	Q2 - Stain from crotch of
1B	Christopher W. Webb	08-29-2005	01-17-2006	
1B	David Yokley	01-17-2006	01-24-2006	
1B	Returned	01-24-2006	Current	
1B1	Christopher W. Webb	12-22-2005	01-17-2006	Extracted DNA
1B1	David Yokley	01-17-2006	01-24-2006	
1B1	Returned	01-24-2006	Current	
2	David Yokley	02-02-2006	02-13-2006	1-BUCCAL SWAB COLLECTION
2	Kelly Ashton Hand	02-13-2006	02-27-2006	
2	Alexandra Mikos	02-27-2006	03-10-2006	
2	David Yokley	03-10-2006	03-10-2006	
2	Returned	03-10-2006	Current	

Alexandra Mikos An UNKNOWN person not identified in The discovery after The original pair of panties were Sealed on 5-25-05 Alexandra mikos Re-opened The BAG After Closed To Alter The panties Till 5-26-05 See exhibit 12, BAG Re-open by MS. Mikos

A DNA Chain of Custody Does NOT EXIST For pair OF panties Exhibit Sub 1B-F2 introduced by Geraldine D'Souza prosecutor Against Martinez at Trial prosecutor Geraldine D'Souza Knew That In New indictment 06 cr 3231 The pair OF panties IN Sub 1B-F2 Introduced at Trial were NOT The original pair of panties Seized ON May 12, 2005 victim worn DURING The incident if ever occurred Geraldine D'Souza Knew ON 5-25-05 Alexandra mikos A UNKNOWN person RE-open The heat sealed BAG by Slicing it open in The middle Removing The panties of EXHIBIT 1B original pair collected May 12, 05 then placing another pair OF panties with Martinez saliva swabb SAMPLE police then written A Fake inventory property sheet That victim panties were Seized April 22, 2005 Then Geraldine D'Souza Misinterpreted Martinez Saliva AS SEMEN

23

**DIVISION OF FORENSIC SERVICES* FORENSIC SCIENCES COMMAND*FSC-C
EVIDENCE SUBMISSION FORM FOR CHICAGO POLICE DEPARTMENT**

PAGE OF

INSTRUCTIONS:

** INCLUDE ALL CRIME SCENE PROCESSING AND CASE REPORTS **
 ** FAX THIS SIDE OF THE FORM ONLY TO FSD AT (312)746-6748 **

PLEASE INCLUDE A BRIEF CASE SUMMARY:

Please check underwear for any presence of (Semen) DNA. If any found please, submit for CODIS.

IF MORE SPACE IS NEEDED PLEASE USE THE CONTINUATION TO THIS FORM

Note: On May 12, 2005 panties were found
And Ask To be checked for semen for
The first time. in New indictment 06cr3231
Nancy wilder lied to Grand Jury saying panties were found same day.



ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Sciences Command

Case # C03-33953 ←
C05-23506

Initials

Date 8/30/05

Associated RD case
lab numbers

AMPLIFICATION WORKSHEET

ABI 9700 Thermal Cycler

Each amplification set (different date and/or time of set up) requires its own worksheet.
Mark column(s) for kit(s) used with check mark or tube color.

[illegible]

ND = Not Defected

* 4/100 deletion made w/ 45 μ L TE and 5 μ L *1B F2 (1/10)

Revision Date (01/04)

Martinez lab case number COS-23506 Became Associated with lab case no. CO3-33953 Because Martinez State DNA Swabb TAKEN Aug 24, 2005 was already at The state lab on 8-16-05 with The Swabb of Buccal DNA OF OFFENDER TO lab case no. CO3-33953 Both DNA Swabbs Been placed on the panties in exhibit 1B-F1 w/ semen OF The real offender to lab case no. CO3-33953

Summary of DNA Analytical Results

C05-023506

Exhibit Attachment - 1

	Sub 1B-F1 Stain from underwear (semen identified)	Sub 1B-F2 Stain from underwear (semen identified)					
D3S1358	14,16,17,18	14,16					
vWA	14,16,17	16,17					
FGA	20,22,24	22					
Amelogenin	X,Y	X,Y					
D8S1179	10,12,13,16	12,16					
D21S11	28,29,30,2,32,28,30,2						
D18S51	12,14	12,14					
D5S818	11,12,13	12					
D13S317	9,11,12	9,11					
D7S820	7,11,12	11,12					
D16S539	10,11,12	10,12					
TH01	7,9	7,9					
TPOX	8,11,12	11,12					
CSF1PO	11,12	11,12					

NT = Not Tested ND = Not Detected

This is a summary of the observed alleles only. Interpretations are made according to established guidelines.

In sub 1B-F1 victim said to the court she was only raped by one man
In lab case no. C05-23506 The court noted in Record K65 The Semen Sample

They got of The victim panties matched the DNA Alleles of only one man
were She insisted NO other man would had been able to contribute DNA Semen

But offender with Amelogenin XY male profile here D3S1358 17,18 vWA 14, FGA 20,24
D8S1179 10,13 D21S11 29,32,2 D18S51 12,14 D5S818 11,13 D13S317 12, D7S820 17
D16S539 11, TH01 7,9 TPOX 8, CSF1PO 11,12 Alleles Here are of the Real

offender in violation of Brady prosecutor Geraldine D'Souza won't run the Real
offender Alleles in The DNA Database To identify the real offender and in
violation of Brady Geraldine D'Souza won't identify the real offender for post
conviction proceeding innocence claim To continue A malicious prosecution and
Geraldine D'Souza and the state court Judge won't Re-open my case and won't
let me identify this real offender and won't let me presented these claims

Exhibit 2b

Shot Blot Image



Martinez lab case No.
C05-23506 Became
Associated w/ Real
Offender case lab case
No. C03-33953 Because
Martinez Saliva was put
on panties of April 22, 05
NOT original pair of panties
Mis interpreted as semen



ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Sciences Command

STR Summary Worksheet

Case CD5-23506Initials [REDACTED]Date 10/31/05

Positive Control (s)
Negative Control (s)
Blank (s)

Verified ☒
Verified ☒
Verified ☒

Exhibit 27

Locus	SAMPLE				
	IB F1: Underwear observed Alleles	IB F1: Underwear Assumed F2 male profile	IB F1: Underwear Deduced female profile	IB F2: Underwear	
D3S1358	14, 16, 17, 18	14, 16	17, 18	14, 16	
VWA	14, 16, 17	16, 17	19, 16	16, 17	
FGA	20, 22, 24	22, 22	20, 24	22, 22	
Amelogenin	X Y	X Y	XX	X, Y	
D8S1179	10, 12, 13, 16	12, 16	10, 13	12, 16	
D21S11	28, 29, 30.2, 32.2	28, 30.2	29, 32.2	28, 30.2	
D18S51	12, 14	12, 14	12, 14	12, 14	
D5S818	11, 12, 13	12, 12	11, 13	12, 12	
D13S317	9, 11, 12	9, 11	12, 12	9, 11	
D7S820	7, 11, 12	11, 12	7, 11	11, 12	
D16S539	10, 11, 12	10, 12	11, 12	10, 12	
TH01	7, 9	7, 9	7, 7	7, 9	
TPOX	8, 11, 12	11, 12	8, 12	11, 12	
CSF1PO	11, 12	11, 12	11, 12	11, 12	

The DNA crime lab lied in this report by saying These Alleles X X chromosomes here Belong TO The Female DNA profile left ON The parties in exhibit 1B Exhibit 28 proves That These Alleles Misinterpreted falsely as A Female profile Are Actually Amelogenin Xy Male profile of the Real Offender identified in exhibit 28 Semen left by A Male in Sub-1B F1 with These Alleles Misinterpreted as The victim's Alleles

ISP 6-589 (7/05)

CD5-23506

26

Summary of DNA Analytical Results

C05-023506

Exhibit Attachment - 1

Exhibit 28

	Sub 1B-F1 Stain from underwear (semen identified)	Sub 1B-F2 Stain from underwear (semen identified)							
13S1358	14,16,17,18	14,16							
WA	14,16,17	16,17							
GA	20,22,24	22							
Amelogenin	X,Y	X,Y							
18S1179	10,12,13,16	12,16							
21S11	28,29,30,2,32,228,30,2								
118S51	12,14	12,14							
15S818	11,12,13	12							
113S317	9,11,12	9,11							
17S820	7,11,12	11,12							
116S539	10,11,12	10,12							
H01	7,9	7,9							
POX	8,11,12	11,12							
1SF1PO	11,12	11,12							

F = Not Tested ND = Not Detected

This is a summary of the observed alleles only. Interpretations are made according to established guidelines.

These Alleles D3S1358 17,18 vWA 14,16 FGA 20,24 Amelogenin XY
 Male profile D8S1179 10,13 D21S11 29,32,2 D18S51 12,14 Th01
 D5S818 11,13 D13S317 12, D7S820 9,11 D16S539 11,12
 7,9 TPOX 8,12 CSF1PO 11,12 Are Actually A Male profile of
 Chromosomes XY The Real offender profile and NOT A Female
 profile as misstated in Exhibit 27

C05-023506

New DNA evidence That can be
 Tested NOT TESTED
 prior TO the plea, or
 before The plea,

ILLINOIS STATE POLICE
 Division of Forensic Services
 Forensic Science Center at Chicago
 1941 West Roosevelt Road
 Chicago, Illinois 60608-1229
 (312) 433-8000 (Voice) * 1-(800) 255-3323 (TDD)

Rod R. Blagojevich
 Governor

November 22, 2005

Larry G. Trent
 Director

LABORATORY REPORT

DETECTIVE E. LOUIS/ DETECTIVE C. REDMAN
 CHICAGO POLICE DEPARTMENT UNIT 630
 DETECTIVE DIVISION, AREA 3
 2452 WEST BELMONT
 CHICAGO IL 60618

Laboratory Case #C05-023506
 RD #HL310333

OFFENSE: Sexual Assault
 VICTIM: Molly Grierson

The following evidence was received by the Forensic Science Center at Chicago on May 16, 2005:
 Inventory# 10520806

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
1A	Stain from inside of crotch of underwear (semen identified)
1B	Stain from underwear (semen identified)

RESULTS

DNA from Exhibit 1B was amplified using the Polymerase Chain Reaction (PCR) and profiled at the following loci: D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, TH01, TPOX, CSF1PO and Amelogenin.

A mixture of human DNA profiles was identified in Exhibit 1B which was interpreted as a mixture of two people.

A male DNA profile was identified in Exhibit 1B. This male DNA profile was searched against the DNA Index. The search detected an association to the following individual which indicates he may be the donor of the semen identified: Louis Martinez, SID# IL36686060. This information pertains to Combined DNA Index System (CODIS) association# 2356.

The male DNA profile identified in Exhibit 1B has been included in the DNA Index and will continue to be compared to other profiles. You will be notified if a consistent profile is detected.

A female DNA profile was also identified in Exhibit 1B.

Exhibit 1A was not examined.

Semen of Real offender
 never examined.

ILLINOIS STATE POLICE
 Division of Forensic Services
 Forensic Science Center at Chicago
 1941 West Roosevelt Road
 Chicago, Illinois 60608-1229
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COPY

Rod R. Blagojevich
 Governor

June 9, 2005

Larry G. Trent
 Director

LABORATORY REPORT

DETECTIVE E. LOUIS/ DETECTIVE C. REDMAN
 CHICAGO POLICE DEPARTMENT UNIT 630
 DETECTIVE DIVISION, AREA 3
 2452 WEST BELMONT
 CHICAGO IL 60618

Laboratory Case #C05-023506
 RD #HL310333

OFFENSE: Sexual Assault
 VICTIM: [REDACTED]

The following evidence was received by the Forensic Science Center at Chicago on May 16, 2005:
 Inventory# 10520806

EXHIBIT	DESCRIPTION	FINDINGS
1	One yellow pair of woman's underwear	Semen identified. Blood indicated. Damage to construction observed. This item was taped for removal of apparent hairs, fibers, and debris.

REQUESTS:

At such time as known blood or buccal standards from the victim and suspect are submitted, the possible source of the semen identified on the evidence may be determined.

Semen has been identified on the evidence submitted. If the stain could have originated from consensual contact, please submit standards from the known individuals.

Microscopy evidence (apparent hairs, fibers, debris) was collected in this case. Please advise if comparisons are important to your investigation, and ensure that all standards can be collected.

If you have in your possession additional evidence that may be of significant value in this case, please advise.

If you have any questions regarding this report, please feel free to contact me.

EVIDENCE DISPOSITION:

Samples from Exhibit 1 have been retained at the Forensic Science Center at Chicago for DNA analysis and will be the subject of a separate report.

MARTINEZ seeks Blood TESTED never EXAMINED
 Blood left OF Real OFFENDER